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09/825,506	04/03/2001	Geoffrey T. Barker	VIGL116340	2007

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EXAMINER
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AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/825,506

Applicant(s)

BARKER ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/27/01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-58 are presented for examination with claims 1, 34, and 48 independent.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 19, 2006 has been entered.

#### ***Drawings***

3. Replacement drawings were received on May 19, 2006. These drawings are accepted.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Exemplary claim 1 recites the limitation "generating output...wherein the output may include no output". This is unclear because in order to generate something, there must be something created, which directly contradicts the output being nothing.

Correction is required.

7. All claims not directly discussed are rejected for similar reasons as stated above.

### ***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13, 24-29, 31-41, and 45-58 are rejected under 35 U.S.C. 101 because are not statutory. In order to be eligible for patent protection, the claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. As such, exemplary claim 1 recites that the "output may include no output", thereby rendering all that is conducted is a processing of monitoring rules, which does not produce a useful, concrete and tangible result. It is recommended to remove the phrase "wherein the output may include no output" from the independent claims in order to overcome this rejection.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 14, 18-22, 31-36, 42, 43, 45-50, 56-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Baxter, Jr. (USPN 6,023,223) (hereinafter Baxter).

10. Referring to claim 1, Baxter discloses an integrated information system including a central server in communication with two or more geographically distinct sites (the Office takes the term “geographically distinct sites” to be “not occupying the same housing, such as the three sensors disclosed in Figure 1, ref. 15a, 15b, 15c) the method comprising:

obtaining monitoring device data (i.e. send data through an uplink) from the at two or more geographically distinct sites, wherein the monitoring device data corresponds to at least one monitoring device at each geographically distinct site (i.e. sensors 15a-c) (col. 6, lines 33-48);

obtaining one or more monitoring rules (i.e. trigger configuration database) to be evaluated at the central server (i.e. db server 40) (col. 7, lines 60-65);

processing the monitoring device data according to the monitoring rules (i.e. trigger conditions which create notifications when those conditions are met) (col. 8, lines 1-21); and

generating an output (i.e. fax, page, etc.) corresponding to the processing of the monitoring device data, wherein the output may include no output (col. 8, lines 1-21).

11. Referring to claim 2, Baxter discloses processing the monitoring device data according to the rules includes determining whether the monitoring device data exceeds the rule threshold (col. 5, lines 5-26; col. 8, lines 1-21).

12. Referring to claim 14, Baxter discloses generating a communication to one or more designated users (i.e. a fax communication requires a recipient) (col. 8, lines 10-25).

13. Referring to claim 18, Baxter discloses generating a wireless communication to a user (i.e. a page 170c) (col. 8, lines 10-25).

14. Referring to claim 19, Baxter discloses initiating an action (i.e. generating a notification to a user (col. 8, lines 10-25).

15. Referring to claim 20, Baxter discloses activating a physical device within a monitored premises (i.e. activate the device which generates the activated voice response) (col. 8, lines 10-25).

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16. Referring to claim 21, Baxter discloses generating an output in a tangible medium (i.e. a fax) (col. 8, lines 10-25).

17. Referring to claim 22, Baxter discloses generating an audible alarm (i.e. automated voice response can be construed as an audible alarm since it is transmitted through the telephone) (col. 8, lines 10-25; Figure 1).

18. Claims 31-36, 42, 43, 45-50, 56-58 are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3-7, 9-13, 15-17, 24, 25, 37-41 and 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter in view of Fowler et al. (USPN 6,714,977) (hereinafter Fowler).

19. Referring to claim 3, Baxter discloses comprising characterizing the monitoring device data as asset data, resource data (the data must be characterized since thresholds pertaining to a temperature alarm setting would not be useful for a oil detection buoy data);

wherein asset data (i.e. temperature data) includes data from an identifiable object that is not capable of independent action (i.e. a temperature sensor can only measure temperature) (Figure 1; col. 6, lines 45-50);

wherein resource data (i.e. data from oil detection buoys 15a) includes data from an identifiable object that is capable of independent action (i.e. being able to determine whether or not a high level of hydrocarbons are detected which would signify a possible oil spill) (col. 6, lines 50-58).

Baxter does not specifically disclose sensor data being event data includes data from a device having a defined state. In analogous art, Fowler discloses another integrated information system for processing monitoring device data which discloses event data from a device having a defined state (i.e. smoke detectors) (Figure 8, ref. 84; Figure 17). It would have been obvious to one of ordinary skill in the art to combine the teaching of Fowler with Baxter since Baxter teaches the use of a plurality of sensors and motivates the search for other sensors to be used (i.e. by the phrase "or the like") (col. 6, lines 45-50). One of ordinary skill in the art would search for other monitoring systems, eventually finding the system of Fowler and the use of humidity, wind, smoke and door detectors (col. 7, lines 10-25).

20. Referring to claims 4 and 5, Baxter discloses the invention substantively as described in claim 3. Baxter does not specifically state the monitoring device data is characterized as asset and device data. In analogous art, Fowler furthermore discloses numerous thresholds characterized as asset or resource or device data, however not



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asset and device data or resource and device data. However it is seen in Figure 17 that the smoke alarm is a device, but is also incapable of independent action (i.e. it is only designed to monitor to see if there is smoke or not), and therefore could be characterized as an asset data as well. It is seen that resource data for the term "Data Lines Up?" is capable of independent action (i.e. transmitting data across lines) however has a defined state (on/off) and therefore could be furthermore characterized as event data. By this rationale It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Fowler to include characterizing thresholds as asset and device data or resource and device data in order to furthermore facilitate the description of the data to the user, thereby increasing understanding as to what the device is specifically doing. It would have been obvious to one of ordinary skill in the art to combine the teaching of Fowler with Baxter since Baxter teaches the use of a plurality of sensors and motivates the search for other sensors to be used (i.e. by the phrase "or the like") (col. 6, lines 45-50). One of ordinary skill in the art would search for other monitoring systems, eventually finding the system of Fowler and the use of humidity, wind, smoke and door detectors (col. 7, lines 10-25).

Referring to claim 6, Baxter discloses the invention substantively as described in the claims above. Baxter further discloses obtaining asset rules if the monitoring device data is characterized as asset data and obtaining resource rules if the data is characterized as resource data (i.e. obtain rules based on what type of data is received, determine whether temperature is out of range by obtaining temperature, and

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hydrocarbon detection rules when data from the oil buoy is received) (col. 5, lines 5-25). Baxter does not specifically disclose event data and therefore cannot disclose obtaining event rules if the data is event data. In analogous art, Fowler discloses another device monitoring system which discloses obtaining device rules if the monitoring device data is characterized as device data (col. 3, lines 25-26). It would have been obvious to one of ordinary skill in the art to combine the teaching of Fowler with Baxter since Baxter teaches the use of a plurality of sensors and motivates the search for other sensors to be used (i.e. by the phrase "or the like") (col. 6, lines 45-50). One of ordinary skill in the art would search for other monitoring systems, eventually finding the system of Fowler and the use of humidity, wind, smoke and door detectors (col. 7, lines 10-25).

21. Referring to claim 7, Fowler discloses the device rules establish a state threshold for a rule violation, and determining whether the monitoring device data indicates a particular state (i.e. smoke alarms are going off) (Figure 17).

22. Referring to claim 9, it is an inherent feature of the invention that the monitoring device data must somehow identify the monitoring device, otherwise it would be undeterminable as to what device this monitoring data pertains to, and would not be able to figure out if the incoming data is temperature, or humidity, or a smoke alarm status.

23. Referring to claims 10-13, it is an inherent feature of the invention that the identifying data is compared against a database of known assets and resources since the thresholds for all the sensed conditions are stored in the database and they must be matched up somehow in order for the program to check the readings against the thresholds, therefore there must be some way to correlate the thresholds to the measured readings.

24. Referring to claims 15-17, Baxter discloses the invention substantively as described in the claims above. Baxter does not specifically disclose obtaining a schedule of preferred notification methods and selecting a notification method from the schedule. In analogous art, Fowler discloses obtaining a schedule of preferred notification methods (i.e. primary and secondary email addresses, pager numbers, etc.) and selecting a notification method from the schedule of notification methods (col. 17, lines 16-29). Fowler does not specifically state the notification methods are based on a time of day and each person is associated with a schedule of preferred notification methods. "Official Notice" is taken that both the concept and advantages of providing for maintaining a schedule of preferred notification methods based on a time of day and preferred notification methods for each designated user is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to provide for maintaining a schedule of preferred notification methods based on a time of day and preferred notification methods for each designated user to cater to each designated user's technology habits and to better assist the users to get the required information to

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the right people at the right time, thereby increasing customer service and reducing wait time for the system. It would have been obvious to one of ordinary skill in the art to combine the teaching of Fowler with Baxter since Baxter teaches the use of a plurality of sensors and motivates the search for other sensors to be used (i.e. by the phrase "or the like") (col. 6, lines 45-50). One of ordinary skill in the art would search for other monitoring systems, eventually finding the system of Fowler and the use of humidity, wind, smoke and door detectors (col. 7, lines 10-25).

25. Referring to claim 24, Baxter in view of Fowler disclose the invention as described in claim 20. Fowler, furthermore, discloses processing one or more additional monitoring device rules prior to generating an output (i.e. all the rules and thresholds for all devices are executed before the web page was generated (Figure 17). It would have been obvious to one of ordinary skill in the art to combine the teaching of Fowler with Baxter since Baxter teaches the use of a plurality of sensors and motivates the search for other sensors to be used (i.e. by the phrase "or the like") (col. 6, lines 45-50). One of ordinary skill in the art would search for other monitoring systems, eventually finding the system of Fowler and the use of humidity, wind, smoke and door detectors (col. 7, lines 10-25).

26. Referring to claim 25, Baxter and Fowler discloses the invention substantially as described in the claims above. Baxter and Fowler does not specifically state including a network access monitor which identifies users logged into a computer network. "Official

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Notice" is taken that both the concept and advantages of providing for a network access monitor to identify users on a network is well known and expected in the art. It would have been obvious to one of ordinary skill to include a network access monitor to the system of Fowler to restrict access to the website such that malicious users will not be able to access the information, possibly compromising security and breaching protocols. It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fowler with Martinez since Martinez discloses that the EMU 28 can monitor other component signals (col. 7, lines 10-20). This would lead one of ordinary skill in the art for other network monitoring systems and other environmental signals which the system of Martinez can monitor, eventually finding Fowler and its novel method of also looking for motion sensors and smoke alarms (e.g. abstract; Figure 4).

27. Claims 37-41, and 50-55 are rejected for similar reasons as stated above.

Claims 8, 23, 26, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter in view of Fowler in view of Xin (USPN 6,429,893).

28. Referring to claim 8, it is an inherent feature to any motion detector that there must be a lower limit threshold to flag an alert (such as a person walking by, not a piece of paper blowing in the wind). Therefore it is understood that there must be a rule which

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states the lower limit threshold (i.e. how much movement there must be in order to detect motion) installed into the motion detector 29.

29. Referring to claims 23, and 44, Baxter in view of Fowler discloses the invention substantively as described in the claims as stated above. Baxter in view of Fowler does not specifically disclose the physical device is a microphone and speaker assembly. In analogous art, Xin discloses an integrated sensory security network, wherein an output of the rules activates a microphone and speaker assembly (e.g. abstract; Figures 1-5). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Xin with Fowler and Baxter to easily allow the homeowner to communicate orally with a person who approaches a door, thereby increasing security around the house as well as setting the homeowners mind at ease as supported by Xin (abstract).

30. Referring to claim 26, Baxter in view of Fowler discloses the invention substantively as described in the claims above. Fowler furthermore discloses setting up a movement sensor (i.e. door sensor) to determine when someone has entered the server room and to snap a picture a predetermined time later (usually one second) to furthermore enhance security of the server room to determine who has entered the room (col. 4, lines 19-29) however does not specifically identify whether an individual has passed through a monitored area. Xin discloses a video monitoring system which is keyed on motion sensor wherein if an individual enters the field of the sensor, the

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video camera is triggered and starts capturing video (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Xin with Fowler and Baxter to easily allow the homeowner to communicate orally with a person who approaches a door, thereby increasing security around the house as well as setting the homeowners mind at ease as supported by Xin (abstract).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter in view of Fowler in view of Xin in view of Burger (USPN 6,219,439).

31. Baxter in view of Fowler in view of Xin discloses the invention substantively as described in claim 26. Baxter in view of Fowler in view of Xin does not specifically disclose capturing data identifying a particular individual passing through the monitored area. In analogous art, Burger discloses another security system wherein data (i.e. from the smart-card and a biometric identification such as a fingerprint) is captured and logged which identifies the individual (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Burger with Xin, Fowler, and Baxter to provide security to a monitored area which prevents "hacking" or other unauthorized access to the authentication process and data, thereby enhancing security around the monitored area as supported by Burger (col. 3, lines 65-67).

Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter in view of Fowler in view of Burger.

32. Baxter in view of Fowler discloses the invention substantively as described in the claims above. Baxter in view of Fowler does not specifically disclose the one monitoring device includes a number of monitoring devices and wherein the monitoring device data includes data identifying the location of individuals within a premises. Burger discloses another security monitoring system wherein the one monitoring device includes a number of monitoring devices (the biometric housing contains a biometric sensor to obtain the biometric data, and furthermore contains a sensor to determine when a card has been inserted into the housing unit) and wherein the monitoring device data includes data identifying the location and identities of individuals within a premises (all data is logged to grant access to the individual) and can furthermore generate an output dedicated to a particular individual within the premises (flag an alert to a supervisor when someone enters or exits through a particular door) (e.g. abstract; col. 7, lines 28-45). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Burger with Fowler and Baxter to provide security to a monitored area which prevents "hacking" or other unauthorized access to the authentication process and data, thereby enhancing security around the monitored area as supported by Burger (col. 3, lines 65-67).



***Response to Amendment***

33. Applicant's arguments filed May 19, 2006 have been fully considered but they are moot in view of the new grounds of rejection.

***Conclusion***

34. Applicant has failed to seasonably challenge the Examiner's assertions of well-known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response. Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action are now established as admitted prior art of record for the course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

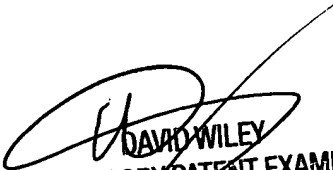
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA  
June 6, 2006

  
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